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LAW/RWH

P.L.2014, CHAPTER 24, *approved August 1, 2014*
Senate, No. 1498 (*First Reprint*)

1 AN ACT concerning noise control restrictions on certain bars and
2 amending ¹**[and supplementing]**¹ P.L.2011, c.198.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.2011, c.198 (C.13:1G-4.3) is amended to
8 read as follows:

9 1. a. (1) (a) It shall not be a violation of the "Noise Control
10 Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
11 regulation established pursuant thereto, for a person to operate a
12 beach bar, ¹located outside of the Atlantic City Tourism District
13 and¹ existing and operating as of August 31, 2011, during normal
14 business hours, as defined by the department, between May 15 and
15 October 15.

16 (b) **[It shall not be a violation of the "Noise Control Act of**
17 **1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or**
18 **regulation established pursuant thereto, or any other noise control**
19 **standard established by law, including but not limited to, any**
20 **statute, rule, regulation, or local ordinance, for a person to operate a**
21 **beach bar located in the Atlantic City Tourism District established**
22 **pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), between May**
23 **15 and October 15, regardless of the hours during which the beach**
24 **bar is operating, or the date on which the beach bar came into**
25 **existence or began operating.]** (Deleted by amendment, P.L. _____,
26 c. _____) (pending before the Legislature as this bill)

27 (2) It shall not be a violation of the "Noise Control Act of
28 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
29 regulation established pursuant thereto, for a person to operate an
30 amusement park or a carnival amusement ride, existing and
31 operating as of August 31, 2011, during normal business hours, as
32 defined by the department, between May 15 and October 15,
33 provided, however, that the person operating the carnival
34 amusement ride, whether within an amusement park or otherwise, is
35 complying with the recommendations of the manufacturer for
36 maintaining and lubricating the carnival amusement ride to
37 minimize, to the extent practicable, the noise sources within and on
38 the ride.

39 b. In the event of the replacement of a carnival amusement ride
40 existing and in operation as of August 31, 2011, the ride shall
41 remain subject to the provisions of paragraph (2) of subsection a. of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Assembly AAP committee amendments adopted June 23, 2014.**

1 this section provided that the noise emissions of the new carnival
2 amusement ride are less than or equal to the noise emissions of the
3 ride that is being replaced.

4 c. As used in this section:

5 "Amusement park" means "amusement park" as defined in
6 section 1 of P.L.1992, c.118 (C.5:3-55).

7 ¹"Atlantic City Tourism District" means the district established
8 pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).¹

9 "Carnival amusement ride" means "carnival amusement ride" as
10 defined in section 2 of P.L.1975, c.105 (C.5:3-32).

11 (cf: P.L.2013, c.34, s.1)

12

13 ¹**[2.(New section) a.** The Casino Reinvestment Development
14 Authority established pursuant to section 5 of P.L.1984, c.218
15 (C.5:12-153), shall adopt, pursuant to the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and within
17 90 days following the date of enactment of P.L. , c. (C.)
18 (pending before the Legislature as this bill), rules and regulations
19 establishing noise control standards, to be applicable in the Atlantic
20 City Tourism District established pursuant to section 5 of P.L.2011,
21 c.18 (C.5:12-219), for the operation of any beach bar or outdoor
22 casino bar.

23 b. Upon adoption of rules and regulations establishing noise
24 control standards pursuant to subsection a. of this section, it shall
25 not be a violation of any noise control standard established pursuant
26 to any other law, rule, regulation, or local ordinance, including, but
27 not limited to, any standard established pursuant to the "Noise
28 Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any
29 rule or regulation adopted pursuant thereto, for a person to operate,
30 within the Atlantic City Tourism District, a beach bar or an outdoor
31 casino bar.

32 c. As used in this section, "outdoor casino bar" means a bar
33 that is physically attached to or operated by a casino, and which has
34 a serving or seating area that is located outdoors or partially
35 outdoors.]¹

36

37 ¹**[3.] 2.**¹ This act shall take effect immediately.

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41

42 _____
43 Eliminates exemption from noise control restrictions for certain
bars in Atlantic City Tourism District.

SENATE, No. 1498

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator JIM WHELAN

District 2 (Atlantic)

SYNOPSIS

Requires CRDA to establish noise control standards for certain bars in Atlantic City Tourism District and exempts such bars from all other State or local noise restrictions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning noise control restrictions on certain bars and
2 amending and supplementing P.L.2011, c.198.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2011, c.198 (C.13:1G-4.3) is amended to read
8 as follows:

9 1. a. (1) (a) It shall not be a violation of the "Noise Control
10 Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
11 regulation established pursuant thereto, for a person to operate a
12 beach bar, existing and operating as of August 31, 2011, during
13 normal business hours, as defined by the department, between May
14 15 and October 15.

15 (b) **It shall not be a violation of the "Noise Control Act of**
16 **1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or**
17 **regulation established pursuant thereto, or any other noise control**
18 **standard established by law, including but not limited to, any**
19 **statute, rule, regulation, or local ordinance, for a person to operate a**
20 **beach bar located in the Atlantic City Tourism District established**
21 **pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), between May**
22 **15 and October 15, regardless of the hours during which the beach**
23 **bar is operating, or the date on which the beach bar came into**
24 **existence or began operating.] (Deleted by amendment, P.L. _____,**
25 **c.) (pending before the Legislature as this bill)**

26 (2) It shall not be a violation of the "Noise Control Act of
27 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
28 regulation established pursuant thereto, for a person to operate an
29 amusement park or a carnival amusement ride, existing and
30 operating as of August 31, 2011, during normal business hours, as
31 defined by the department, between May 15 and October 15,
32 provided, however, that the person operating the carnival
33 amusement ride, whether within an amusement park or otherwise, is
34 complying with the recommendations of the manufacturer for
35 maintaining and lubricating the carnival amusement ride to
36 minimize, to the extent practicable, the noise sources within and on
37 the ride.

38 b. In the event of the replacement of a carnival amusement ride
39 existing and in operation as of August 31, 2011, the ride shall
40 remain subject to the provisions of paragraph (2) of subsection a. of
41 this section provided that the noise emissions of the new carnival
42 amusement ride are less than or equal to the noise emissions of the
43 ride that is being replaced.

44 c. As used in this section:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Amusement park" means "amusement park" as defined in
2 section 1 of P.L.1992, c.118 (C.5:3-55).

3 "Carnival amusement ride" means "carnival amusement ride" as
4 defined in section 2 of P.L.1975, c.105 (C.5:3-32).
5 (cf: P.L.2013, c.34, s.1)

6
7 2. (New section) a. The Casino Reinvestment Development
8 Authority established pursuant to section 5 of P.L.1984, c.218
9 (C.5:12-153), shall adopt, pursuant to the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and within
11 90 days following the date of enactment of P.L. , c. (C.)
12 (pending before the Legislature as this bill), rules and regulations
13 establishing noise control standards, to be applicable in the Atlantic
14 City Tourism District established pursuant to section 5 of P.L.2011,
15 c.18 (C.5:12-219), for the operation of any beach bar or outdoor
16 casino bar.

17 b. Upon adoption of rules and regulations establishing noise
18 control standards pursuant to subsection a. of this section, it shall
19 not be a violation of any noise control standard established pursuant
20 to any other law, rule, regulation, or local ordinance, including, but
21 not limited to, any standard established pursuant to the "Noise
22 Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any
23 rule or regulation adopted pursuant thereto, for a person to operate,
24 within the Atlantic City Tourism District, a beach bar or an outdoor
25 casino bar.

26 c. As used in this section, "outdoor casino bar" means a bar
27 that is physically attached to or operated by a casino, and which has
28 a serving or seating area that is located outdoors or partially
29 outdoors.

30
31 3. This act shall take effect immediately.

32
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34 STATEMENT

35
36 This bill would require the Casino Reinvestment Development
37 Authority (CRDA) to adopt, within 90 days of enactment of this bill
38 into law, rules and regulations that would establish noise control
39 standards for beach bars and outdoor casino bars that are located in
40 the Atlantic City Tourism District. The term "outdoor casino bar"
41 is defined in the bill to mean a bar that is physically attached to or
42 operated by a casino, and which has a serving or seating area that is
43 located outdoors or partially outdoors.

44 Under current law, beach bars located in the Atlantic City
45 Tourism District are exempt from any noise control standards
46 whatsoever between May 15 and October 15. This bill would
47 eliminate that exemption upon enactment. However, until such
48 time that noise control standards are adopted by the CRDA, the bill

S1498 LESNIAK, WHELAN

4

1 provides that, within the Atlantic City Tourism District, both beach
2 bars and outdoor casino bars would be subject only to the new
3 CRDA noise control standards and exempt from all other noise
4 control standards, whether established by law, rule, regulation, or
5 local ordinance, including, but not limited to, any standards
6 established pursuant to the "Noise Control Act of 1971" or any rule
7 or regulation adopted pursuant thereto.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 1498

STATE OF NEW JERSEY

DATED: MARCH 24, 2014

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Senate Bill No. 1498.

This bill requires the Casino Reinvestment Development Authority (CRDA) to adopt, within 90 days of enactment of this bill, rules and regulations to establish noise control standards for beach bars and outdoor casino bars that are located in the Atlantic City Tourism District. The bill defines "outdoor casino bar" as a bar that is physically attached to or operated by a casino, and which has a serving or seating area that is located outdoors or partially outdoors.

Under current law, beach bars located in the Atlantic City Tourism District are exempt from any noise control standards whatsoever between May 15 and October 15. This bill eliminates that exemption. However, at such time that noise control standards are adopted by the CRDA, the bill provides that, within the Atlantic City Tourism District, both beach bars and outdoor casino bars would be subject only to the new CRDA noise control standards and are exempt from all other noise control standards, whether established by law, rule, regulation, or local ordinance, including, but not limited to, any standards established pursuant to the "Noise Control Act of 1971" or any rule or regulation adopted pursuant thereto.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1498

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2014

The Assembly Appropriations Committee reports favorably Senate Bill No. 1498, with committee amendments.

As amended, this bill eliminates an exemption from noise restrictions for beach bars located in the Atlantic City Tourism District.

Under current law, beach bars located in the Atlantic City Tourism District are exempt from noise control restrictions imposed under the “Noise Control Act of 1971,” and any other noise control standard established by law, including, but not limited to, any statute, rule, regulation, or local ordinance, between May 15 and October 15 of each year. The law provides that this exemption applies to beach bars located in the district regardless of the hours during which the bar is operating or the date on which the bar came into existence or began operating.

This bill eliminates that exemption so that beach bars located in the district are subject to noise control restrictions. As a result of the bill, beach bars located in the district will be subject to the noise control restrictions that are imposed under the “Noise Control Act of 1971,” and any other noise control standard established by law, rule, regulation, or local ordinance.

The bill also defines the Atlantic City Tourism District to exclude the beach bars in that district from the noise control exemption currently granted for beach bars located in other parts of the State.

The bill takes effect immediately upon enactment.

As amended and reported, this bill is identical to Assembly Bill No.2708, as also amended and reported by the committee.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments eliminate provisions of the bill that require the Casino Reinvestment Development Authority to adopt rules and regulations establishing noise control standards for beach bars and outdoor casino bars located in the Atlantic City Tourism District.

The amendments also define the Atlantic City Tourism District to exclude the beach bars in that district from the noise control exemption granted for beach bars located in other parts of the State by section 1 of P.L.2011, c.198 (C.13:1G-4.3), and make a technical change to the title of the bill.

ASSEMBLY, No. 2708

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 24, 2014

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

SYNOPSIS

Requires CRDA to establish noise control standards for certain bars in Atlantic City Tourism District and exempts such bars from all other State or local noise restrictions.

CURRENT VERSION OF TEXT

As introduced.



A2708 MAZZEO

2

1 AN ACT concerning noise control restrictions on certain bars and
2 amending and supplementing P.L.2011, c.198.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2011, c.198 (C.13:1G-4.3) is amended to read
8 as follows:

9 1. a. (1) (a) It shall not be a violation of the "Noise Control Act
10 of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
11 regulation established pursuant thereto, for a person to operate a
12 beach bar, existing and operating as of August 31, 2011, during
13 normal business hours, as defined by the department, between May
14 15 and October 15.

15 (b) **It shall not be a violation of the "Noise Control Act of**
16 **1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or**
17 **regulation established pursuant thereto, or any other noise control**
18 **standard established by law, including but not limited to, any**
19 **statute, rule, regulation, or local ordinance, for a person to operate a**
20 **beach bar located in the Atlantic City Tourism District established**
21 **pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), between May**
22 **15 and October 15, regardless of the hours during which the beach**
23 **bar is operating, or the date on which the beach bar came into**
24 **existence or began operating.] (Deleted by amendment, P.L. _____,**
25 **c. _____ (pending before the Legislature as this bill)**

26 (2) It shall not be a violation of the "Noise Control Act of
27 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or
28 regulation established pursuant thereto, for a person to operate an
29 amusement park or a carnival amusement ride, existing and
30 operating as of August 31, 2011, during normal business hours, as
31 defined by the department, between May 15 and October 15,
32 provided, however, that the person operating the carnival
33 amusement ride, whether within an amusement park or otherwise, is
34 complying with the recommendations of the manufacturer for
35 maintaining and lubricating the carnival amusement ride to
36 minimize, to the extent practicable, the noise sources within and on
37 the ride.

38 b. In the event of the replacement of a carnival amusement ride
39 existing and in operation as of August 31, 2011, the ride shall
40 remain subject to the provisions of paragraph (2) of subsection a. of
41 this section provided that the noise emissions of the new carnival
42 amusement ride are less than or equal to the noise emissions of the
43 ride that is being replaced.

44 c. As used in this section:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Amusement park" means "amusement park" as defined in
2 section 1 of P.L.1992, c.118 (C.5:3-55).

3 "Carnival amusement ride" means "carnival amusement ride" as
4 defined in section 2 of P.L.1975, c.105 (C.5:3-32).
5 (cf: P.L.2013, c.34, s.1)

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7 2. (New section) a. The Casino Reinvestment Development
8 Authority established pursuant to section 5 of P.L.1984, c.218
9 (C.5:12-153), shall adopt, pursuant to the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and within
11 90 days following the date of enactment of P.L. , c. (C.)
12 (pending before the Legislature as this bill), rules and regulations
13 establishing noise control standards, to be applicable in the Atlantic
14 City Tourism District established pursuant to section 5 of P.L.2011,
15 c.18 (C.5:12-219), for the operation of any beach bar or outdoor
16 casino bar.

17 b. Upon adoption of rules and regulations establishing noise
18 control standards pursuant to subsection a. of this section, it shall
19 not be a violation of any noise control standard established pursuant
20 to any other law, rule, regulation, or local ordinance, including, but
21 not limited to, any standard established pursuant to the "Noise
22 Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any
23 rule or regulation adopted pursuant thereto, for a person to operate,
24 within the Atlantic City Tourism District, a beach bar or an outdoor
25 casino bar.

26 c. As used in this section, "outdoor casino bar" means a bar
27 that is physically attached to or operated by a casino, and which has
28 a serving or seating area that is located outdoors or partially
29 outdoors.

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31 3. This act shall take effect immediately.

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34 STATEMENT

35
36 This bill would require the Casino Reinvestment Development
37 Authority (CRDA) to adopt, within 90 days of enactment of this bill
38 into law, rules and regulations that would establish noise control
39 standards for beach bars and outdoor casino bars that are located in
40 the Atlantic City Tourism District. The term "outdoor casino bar"
41 is defined in the bill to mean a bar that is physically attached to or
42 operated by a casino, and which has a serving or seating area that is
43 located outdoors or partially outdoors.

44 Under current law, beach bars located in the Atlantic City
45 Tourism District are exempt from any noise control standards
46 whatsoever between May 15 and October 15. This bill would
47 eliminate that exemption upon enactment. However, until such
48 time that noise control standards are adopted by the CRDA, the bill

A2708 MAZZEO

4

1 provides that, within the Atlantic City Tourism District, both beach
2 bars and outdoor casino bars would be subject only to the new
3 CRDA noise control standards and exempt from all other noise
4 control standards, whether established by law, rule, regulation, or
5 local ordinance, including, but not limited to, any standards
6 established pursuant to the "Noise Control Act of 1971" or any rule
7 or regulation adopted pursuant thereto.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2708

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2014

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2708, with committee amendments.

As amended, this bill eliminates an exemption from noise restrictions for beach bars located in the Atlantic City Tourism District.

Under current law, beach bars located in the Atlantic City Tourism District are exempt from noise control restrictions imposed under the “Noise Control Act of 1971,” and any other noise control standard established by law, including, but not limited to, any statute, rule, regulation, or local ordinance, between May 15 and October 15 of each year. The law provides that this exemption applies to beach bars located in the district regardless of the hours during which the bar is operating or the date on which the bar came into existence or began operating.

This bill eliminates that exemption so that beach bars located in the district are subject to noise control restrictions. As a result of the bill, beach bars located in the district will be subject to the noise control restrictions that are imposed under the “Noise Control Act of 1971,” and any other noise control standard established by law, rule, regulation, or local ordinance.

The bill also defines the Atlantic City Tourism District to exclude the beach bars in that district from the noise control exemption currently granted for beach bars located in other parts of the State.

The bill takes effect immediately upon enactment.

As amended and reported, this bill is identical to Senate Bill No.1498, as also amended and reported by the committee.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments eliminate provisions of the bill that require the Casino Reinvestment Development Authority to adopt rules and regulations establishing noise control standards for beach bars and outdoor casino bars located in the Atlantic City Tourism District.

The amendments also define the Atlantic City Tourism District to exclude the beach bars in that district from the noise control exemption granted for beach bars located in other parts of the State by section 1 of P.L.2011, c.198 (C.13:1G-4.3), and make a technical change to the title of the bill.